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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,277	11/02/2005	Takuya Ando	Q91237	4620

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EXAMINER	
RENWICK, REGINALD A	

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/555,277	ANDO, TAKUYA	
	Examiner	Art Unit	
	REGINALD A. RENWICK	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/30/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (U.S. Patent No. 6,364,765) in view of Olsen (U.S. Patent No. 6,210,275).

Re claim 1 and 7: Walker discloses a game machine consisting of : an identifier, unique to each of the stations wherein the identifier is a client identifier (column 4, lines 2-3; column 7, lines 3-16); and a receiver, which receives personal information from the player (column 6, lines 4-7, 29-32); a first storage, which stores the personal information while associating with the identifier, with respect to each of the stations (column 10, lines 6-14); a second storage, which stores a first play record of the player while associating with the player information, with respect to each of the stations (column 10, lines 14-25) wherein the first play record is a timestamp; a judge, which judges whether there exists a second play record which satisfies a first prize requirement among the first play records

stored in the second storage (column 8, lines 16-30; column 14, lines 58-67; column 15, lines 1-2); a first specifier, which specifies a player who satisfies the first prize requirement in a case where there exists the second play record, with reference to the player information associated with the second play record (column 14, lines 58-64); a second specifier, which specifies a station at which the player specified by the first specifier plays, with reference to the identifier associated with the personal information referred by the first specifier (column 15, lines 2-9);
and a condition arranger, which changes a condition of the game performed at the station specified by the second specifier so as to be more advantageous to the player specified by the first specifier, and maintains the changed condition until a cancel condition is satisfied (Abstract; column 10, lines 5-23; column 12, lines 39-49).

Walker fails to disclose a condition arranger, which changes a condition of the game performed at the station specified by the second specifier so as to be more advantageous to the player specified by the first specifier, and maintains the changed condition until a cancel condition is satisfied. However, Olsen discloses a progressive jackpot game with guaranteed winner that comprises of a successful game round and a changed condition that comprises of a bonus game that reduces the number of possible horses in a race after each successive round wherein the terminating round is reached in which the last game always results in at least one winner through the reduction of possible game outcomes

(Abstract; column 4, lines 34-40). It would have been obvious to one skilled in the art to incorporate the horse race bonus of Olsen into the game machine of Price because a need exists to combine the excitement of actual horse racing into the environment of linked gaming machines interconnected to a progressive jackpot controller.

3. Claims 2 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Olsen in view of Seelig et al. (U.S. Patent No. 5,997,400).

Re claims 2 and 3: Walker/Olsen significantly meets the limitations of claim of claims 2 and 3 except for disclosing that the first prize requirement is arranged in each of a plurality of classes where the higher one of the classes is more difficult to be satisfied. Seelig et al. discloses that prizes requirement is arranged in each of a plurality of classes based on the final placement of the horse in which payment is greater for the player who's horse that finishes in the higher position. Certainly because one has to move past a plurality of horses, then it would be more difficult to achieve first place in the race (column 3, lines 17-24; column 4, lines 5-13). It would have been obvious to one skilled in the art to incorporate the placing order or Seelig et al. into the horse racing game of Price/Olsen for the purpose of imitating real horse racing on an electronic device.

4. Claims 4 and 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Price (U.S. Patent No. 6,776,715) in view of Olsen in view of Palmer et al. (U.S. Patent No.6,939,224).

Re claims 4 and 9: Walker does not specifically disclose that a first amount of a gaming value is inputted by each player to execute the game, and a second amount of the gaming value is outputted to each player as a result of the game; and the master machine manages the second amount of the gaming value in each of the gaming machines. However Price discloses such (column 4, lines 51-67; column 5, lines 1-4). It would have been obvious to combine Walker with the game controller of Price as it is commonly known in the art that game machines operate through the use of inputted credits. However Walker/Price does not disclose that the amount outputted is in accordance with an one hundred percent or less ratio of the first. However Palmer et al. discloses a gaming device having varying risk player selections that a computer can adapt the payout of horses to be lower than the player's wager or the payout can be zero (column 3, lines 44-50. Because Palmer et al. discloses a range for payout inclusive of a payout range of 0% to 100% of the player's initial wager, the game device incorporates the limitation of a payout between 0% and 100%. It would have been obvious to try to incorporate the percentage range of Palmer et al. with the game machine of Walker/Olsen/Price in combination, for achieving the predictable result of a payout between 0% and 100%.

Re claims 4 and 9: Walker does not specifically disclose that a first amount of a gaming value is inputted by each player to execute the game, and a second amount of the gaming value is outputted to each player as a result of the game; and the master machine manages the second amount of the gaming value in each of the gaming machines. However Price discloses such (column 4, lines 51-67; column 5, lines 1-4). It would have been obvious to combine Walker with the game controller of Price as it is commonly known in the art that game machines operate through the use of inputted credits. Nakagawa et al. does not disclose that a ratio of a total of the second amount of a total of the first amount converges on 100% or less, for each of the gaming machines. However, Mindes discloses that in games where the underdog is usually not much less likely to win that the favorite then there are relatively small differences odds placed on the game and almost always less than 2 to 1 (column 2, lines 45-55).

During a motorized horse race, players have no knowledge of previous races that could effect the manner in which they are betting and therefore no clear underdog or favorite can be chosen from the participating horses. Accordingly, when players place bets on horses that are random selected by the computer for placing, it would have been obvious to one skilled in the art to place odds that produce 100% or less output because there is neither an underdog or clear favorite.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Olsen in view of Price in view of Palmer et al. in view of Barrie et al. (U.S. Patent No. 4,837,728).

Re claim 5: Walker as modified by Olsen significantly meets the limitations of claim 5, except for disclosing an accumulator, which accumulates a third amount of the gaming value which is predetermined ratio of the first amount; and a bonus presenter, which outputs all the gaming value accumulated in the accumulator is outputted to a station associated with a player who satisfies a second prize requirement. Barrie et al. discloses an accumulator, which accumulates a third amount of the gaming value which is predetermined ratio of the first amount (column 1, lines 19-49; column 2, lines 1-20); and a bonus presenter, which outputs all the gaming value accumulated in the accumulator is outputted to a station associated with a player who satisfies a second prize requirement (column 1, lines 19-49). It would have been obvious to one of ordinary skill in the art to incorporate an accumulator and bonus presenter as disclosed by Barrie et al., to improve on the game system of Walker/Price/Olsen in combination for achieving the predictable result of drawing casino attendees to the game machines with the excitement produced an increasing and substantial bonus jackpot.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Olsen in view of Price in view of Palmer et al. in view of Nakagawa et al. (U.S. Patent No. 6,019,369).

Re claim 6: Nakagawa et al. discloses that the game machine comprises of a horse racing game in which the player bets the first amount of the gaming value with respect to at least one of the horses; the player receives winnings in accordance with the result of the game and odd; and the condition of the game includes at least the odds (column 4, lines 51-67; column 5, lines 1-4). It would have been obvious to one skilled in the art to place odds on the participant horses in the game of Walker/Olsen combination so as to mimic a real horse racing gambling environment, which would have encouraged more casino attendees to play the game.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Olsen in view of Hanai (U.S. Patent No. 5,816,920).

Re claim 8: Walker and Olsen in combination significantly meets the limitations of claim 8, except for disclosing that the master machine is located in a game machine. However discloses Hanai, which discloses a game system and method of entering game system in which a master machine is located in a game machine (Abstract). It would have been obvious to one in the art to place a master machine in a game machine for the purpose of adding game machines to

a collection of game machines that are currently occupied with customers which would eliminate the problems of complex re-entry procedure of game machines as well and the halting of all the game terminals that are operating which loses money for the casino.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald A. Renwick whose telephone number is 571-270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM, Alt Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5/12/2008
RR

/Ronald Laneau/
Supervisory Patent Examiner, Art Unit 3714
05/12/08